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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Preliminary observations of the Committee on the rights of the Child: Colombia

1. The Committee began consideration of the initial report of Colombia (CRC/C/8/Add.3) at its 113th, 114th and 115th meetings (CRC/C/SR.113-115), held on 17 and 18 January 1994. In view of the fact that it was not possible during the session to fully clarify a number of serious concerns about the implementation of the Convention, the Committee decided to continue consideration of the initial report of Colombia at a future session and adopted* the following preliminary observations. In this connection, the Committee requests the State party to provide it with written answers to the questions set out in the list of issues (CRC/C.5/WP.2) which had been formally transmitted to the State party. Equally, the Committee requests the State party to provide it with additional information on particular areas of concern identified by the Committee, as set out in paragraphs 10 to 16 below. The Committee recommends that the information requested be submitted by 28 February 1994.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report and takes note of the information contained in the report, particularly with regard to the steps taken to provide a legislative framework for the implementation of the Convention. The Committee regards its preliminary dialogue with the State party to have been fruitful and as one which was undertaken in a cooperative spirit. The Committee,

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* At the 130th meeting, held on 28 January 1994.

however, regrets that it was not given sufficient information regarding the actual situation of children in Colombia or on specific measures being taken at present to protect vulnerable groups at grave risk.

B. Positive aspects

3. The Committee welcomes the major legislative initiatives adopted with a view to providing a legal framework for the implementation of the Convention, namely the adoption of the Minors' Code and the references to the rights of the child contained in the revised Constitution. The Committee also welcomes the steps taken by the Government towards creating special mechanisms for the implementation of the Convention such as the Inter-Agency Committee for the Defence, Protection and Promotion of the Human Rights of Children and Young People and the Office of the President's Programme for Youth, Women and the Family. The Committee also welcomes in this connection the efforts made to facilitate the participation of non-governmental organizations (NGOs) in the implementation process.

4. The Committee notes the progress which has been made over the last 10 years in lowering the infant mortality rate. The Committee also welcomes the formulation by the State party of a National Plan of Action and the setting of concrete goals as follow-up to the World Summit for Children.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note that Colombia is going through a difficult economic transition period and is facing serious political problems stemming from drug-related terrorism, violence and poverty. The Committee takes note of the disparities existing in the country at the economic and social levels.

D. Principal subjects of concern

6. The Committee expresses its concern over the significant gap between the laws adopted to promote and protect the rights of the child and the practical application of those laws to the actual situation of a great number of children in Colombia. The Committee is concerned at the lack of sufficient coordination of the various efforts to implement the Convention. The Committee is also concerned about discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children.

7. The Committee expresses its grave concern over the life-threatening situation faced by an alarming number of children in Colombia, particularly those who, in order to survive, are working and/or living on the streets. Many of those children are subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

8. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many

children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

9. The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

E. Preliminary suggestions

10. The Committee suggests that firm measures be taken urgently to ensure the right to survival for all children in Colombia, including those from vulnerable groups. Such measures should include a quick response to reports of and complaints from children who are victims of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied in cases involving violence against children. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences.

11. The Committee suggests that, in order to increase the coverage and quality of services for children and to include those from vulnerable groups, more substantial budgetary allocations be provided to services for children, particularly in the areas of education and health, namely in the light of articles 2 and 3 of the Convention.

12. The Committee suggests that reliable quantitative and qualitative information be systematically collected and analysed to monitor closely the situation of marginalized children, particularly those from indigenous groups, in order to guide further efforts to improve their situation.

13. In regard to the problems of working children, the Committee suggests that Colombia ratify ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant legislation with a view to bringing it up to minimum international standards. Child labour laws should be enforced, complaints should be investigated and severe penalties imposed for violations. The Committee suggests that the Government more actively enlist the support of NGOs and other private sector organizations in raising public awareness of the problem and in monitoring enforcement of the laws.

14. In the field of the administration of juvenile justice, greater efforts should be made to ensure respect for the standards and legal safeguards contained in the Convention, in particular in the light of articles 37, 39 and 40 and taking into due consideration other relevant international instruments adopted in this field by the United Nations. Furthermore, the Committee suggests that all children deprived of their liberty should be registered and closely monitored in order to ensure that they are afforded the protection provided by the Convention.

15. The Committee suggests that steps be taken to strengthen the educational system, particularly in the rural areas. The quality of teaching should be improved and the high number of school drop-outs should be reduced. Counselling services for youth should be developed as a preventive measure aimed at lowering the high incidence of teenage pregnancies and stemming the

dramatic rise in the number of single mothers. Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender.

16. To assess the implementation of the Convention and to narrow the gap between the law and its practice, the Committee suggests that the State party establish a mechanism to monitor the actual situation of children, particularly those from vulnerable groups. Given the seriousness of the problem, the Committee suggests that the State party seek closer cooperation with international agencies which may be able to provide assistance and expertise and to embark upon major reform in the problem areas identified by the Committee. The Committee suggests that a new attitude and approach be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm their value. In this connection, information and training programmes should be strengthened at the level of the community and the family. Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.